

INFORMATION PAPER

SUBJECT: Summary of Fundraising Rules for Unit and Informal Funds

1. PURPOSE. To provide information on the fundraising limitations applicable to unit and informal funds.
2. BOTTOM LINE. Fundraising is authorized, but it is limited by Congress, the Office of Government Ethics (OGE), the Department of Defense (DoD), and the Department of the Army (DA).
3. REFERENCES.
 - a. Title 5, United States Code (U.S.C.).
 - b. Title 5, Code of Federal Regulations (C.F.R.), Parts 2600-2636.
 - c. DOD 5500.7-R, Joint Ethics Regulation (JER).
 - d. AR 210-22, Private Organizations on Department of the Army Installations.
 - e. AR 215-1, Morale, Welfare, and Recreation Activities and Nonappropriated Fund Instrumentalities.
 - f. AR 600-20, Army Command Policy.
 - g. AR 600-29, Fund-Raising Within the Department of the Army.
 - h. Army Commander's Guide to Family Readiness Group Operations (26 September 2005).
 - i. TRADOC CG Memorandum, subject: Exceptions to Policy for TRADOC Regulation 350-6 Initial Entry Training (IET) Fundraising, Buddy System, Separate and Secure (11 March 2005).
 - j. POM Pam 600-29, Guide to Fundraising.
4. APPLICABILITY. This information paper only addresses fundraising by unit and informal funds. It does not address fund maintenance or spending rules, and it does not apply to the following activities:
 - a. Combined Federal Campaign (CFC) fundraising (see AR 600-29 for guidance).
 - b. Army Emergency Relief (AER) fundraising (see AR 600-29 for guidance).
 - c. Post-disaster fundraising (permitted only if authorized by the Office of Personnel Management).
 - d. Chaplain fundraising (see AR 165-1 for guidance).

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- e. On-post charitable fundraising by off-post private organizations (POs) or non-Federal entities (NFEs) (see JER 3-210 and 3-211 for guidance).
- f. On-post fundraising by on-post POs, such as the Alumni Association or the Retired E-9 Association (see AR 210-22 and AR 600-29 for guidance).
- g. Personal participation in NFE fundraising (see JER 3-300 for guidance).
- h. Commercial solicitation (see AR 210-7 for guidance).
- i. Product sales when the original buyer re-sells the product to another person for its actual cost to the original buyer (see definitions of fundraising in AR 600-29 and 5 CFR 2635.808a).

5. DISCUSSION.

a. Authority to Fundraise:

- (1) Unit fund fundraising is authorized by AR 600-29, para. 1-5c(1).
- (2) Informal fund fundraising is authorized by AR 600-20, para. 4-21, and AR 600-29, para. 1-5. Examples of informal funds include Family Readiness Group (FRG) funds, unit cup and flower funds, and the Mayors Program fund.

b. Limitations on Fundraising.

(1) **Limitations on WHEN and WHERE Fundraising May Occur.**

(a) You may not fundraise in the Federal workplace. (5 C.F.R. § 950.102; JER 3-210; AR 600-29, para. 1-10). The Installation and Garrison Commanders have the authority to determine which areas on post are outside the Federal workplace. (JER 3-300).

(b) You may not fundraise on duty. (AR 600-29, para. 1-10).

(c) Unit funds may not fundraise during CFC or AER campaign periods. (AR 600-29, para. 1-6). Informal funds must limit the scope and frequency of their fundraising activities during CFC and AER campaign periods. (AR 600-20, para. 4-21; AR 600-29, para. 1-6).

(2) **Limitations on WHO May be Solicited.**

(a) You may only solicit persons who benefit from the unit or informal fund. According to DoD, this includes all persons regularly assigned or regularly working on the Presidio of Monterey or the Ord Military Community.

(b) You may not solicit outside sources (e.g., non-DoD personnel, local businesses, etc.). (5 C.F.R. §§ 2635.202 and 2635.808; AR 215-1, para. 7-39b).

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(c) You may not solicit contractors or other prohibited sources.¹ (5 C.F.R. §§ 2635.202 and 2635.808).

(d) You may not solicit your subordinates. (AR 600-29, para. 1-8a). Therefore, relatively junior Soldiers should generally be placed in charge of fundraising events.

(e) You may not solicit initial entry training (IET) service members in a status lower than phase V+. (TRADOC CG Memo, dated 11 March 2005).

(3) Other Limitations.

(a) You may not fundraise in uniform.

(b) You may not do anything to coerce personnel to contribute to or participate in a fundraising event. (AR 600-29, paras. 1-7 and 1-8). For example, you may not:

(i) Ask subordinates whether they have contributed or how much they have contributed (AR 600-29, para. 1-8b); or

(ii) Maintain a list of non-contributors (AR 600-29, para. 1-8c).

(c) You may not grant special favors, privileges, or entitlements (*e.g.*, passes, the authority to wear civilian clothes, light duty, etc.) to induce personnel to contribute to or participate in a fundraising event. (AR 600-29, para. 1-8e).

(d) You may not normally use Government resources to support a fundraising event. (JER 2-301, 3-211, 3-300, and 3-305).

c. Requirements to Fundraise. You must receive written permission from Alex Kerbey to conduct a fundraising event. (POM Pam 600-29).

APPROVED: LTC Jody M. Hehr, Staff Judge Advocate

DATE: 21 Jun 06

¹ A prohibited source is someone who: (1) is seeking official action from DoD, DA, or DLIFLC & POM; (2) does business or is seeking to do business with DoD, DA, or DLIFLC & POM; (3) conducts activities regulated by DoD, DA, or DLIFLC & POM; or (4) has interests that can be substantially affected by the performance or non-performance of a DLIFLC & POM employee's official duties. 5 C.F.R. § 2635.202(d).